

AUG 03 2005

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# Fax

**To:** United States Patent & Trademark Office **From:** Steven Fischman, Esq.

**Fax:** 1-571-273-8300 **Pages:** 22 (including fax cover sheet)

**Phone:** **Date:** August 3, 2005

**Re:** Jennifer E. Appleyard  
IBM Ref: BUR920040032US1  
U.S. Patent Appln. No. 10/708,916  
Our Docket: 17437

**CC:**

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Attached for submission to the U.S. Patent and Trademark Office are the following:

- **Certificate of Transmission by Facsimile (2)**
- **Amendment Transmittal Letter (2)**
- **Amendment and Response Under 37 C.F.R. §1.111**

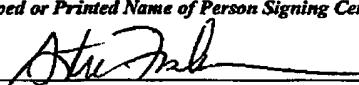
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<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b> Applicant(s): Jennifer E. Appleyard				Docket No. <b>BUR920040032US1 (17437)</b>	
Application No. <b>10/708,916</b>	Filing Date <b>March 31, 2004</b>	Examiner <b>Xiuquin Sun</b>	Customer No. <b>23389</b>	Group Art Unit <b>2863</b>	Confirmation No. <b>2915</b>
<b>Invention: TEMPERATURE COMPENSATION IN MAXIMUM FREQUENCY MEASUREMENT AND SPEED SORT</b>					
<b>COMMISSIONER FOR PATENTS:</b>					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
<b>TOTAL CLAIMS</b>	<b>20</b> <b>-</b>	<b>20</b> <b>=</b>	<b>0</b>	<b>x</b> <b>\$50.00</b>	<b>\$0.00</b>
<b>INDEP. CLAIMS</b>	<b>2</b> <b>-</b>	<b>3</b> <b>=</b>	<b>0</b>	<b>x</b> <b>\$200.00</b>	<b>\$0.00</b>
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					<b>\$0.00</b>
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>
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<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>					
 <i>Signature</i>					
Dated: August 3, 2005					
<p> <b>Steven Fischman</b>  <b>Registration No. 34,594</b>  <b>SCULLY, SCOTT, MURPHY &amp; PRESSER</b>  <b>400 Garden City Plaza, Suite 300</b>  <b>Garden City, New York 11530</b>  <b>(516) 742-4343</b> </p>					
<p> <b>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</b>    <b>(Date)</b> </p>					
<i>Signature of Person Mailing Correspondence</i>					
<i>Typed or Printed Name of Person Mailing Correspondence</i>					

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No.
Applicant(s): Jennifer E. Appleyard			BUR920040032US1 (17437)
Application No. <b>10/708,916</b>	Filing Date <b>March 31, 2004</b>	Examiner <b>Xiuquin Sun</b>	Group Art Unit <b>2863</b>
<b>Invention: TEMPERATURE COMPENSATION IN MAXIMUM FREQUENCY MEASUREMENT AND SPEED SORT</b>			
<p>I hereby certify that this <u>Amendment and Response Under 37 C.F.R. Sec. 1.111</u> <i>(Identify type of correspondence)</i> is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u> on <u>August 3, 2005</u> <i>(Date)</i></p> <p><u>Steven Fischman, Reg. No. 34,594</u> <i>(Typed or Printed Name of Person Signing Certificate)</i>  <i>(Signature)</i></p>			
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<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>					Docket No. <b>BUR920040032US1 (17437)</b>				
Applicant(s): <b>Jennifer E. Appleyard</b>		Examiner <b>Xiuquin Sun</b>		Customer No. <b>23389</b>		Group Art Unit <b>2863</b>		Confirmation No. <b>2915</b>	
Invention: <b>TEMPERATURE COMPENSATION IN MAXIMUM FREQUENCY MEASUREMENT AND SPEED SORT</b>									
<b><u>COMMISSIONER FOR PATENTS:</u></b>									
Transmitted herewith is an amendment in the above-identified application.									
The fee has been calculated and is transmitted as shown below.									
<b>CLAIMS AS AMENDED</b>									
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST # PREV. PAID FOR		NUMBER EXTRA CLAIMS PRESENT		RATE		ADDITIONAL FEE	
TOTAL CLAIMS 20 -		20 =		0		x \$50.00		\$0.00	
INDEP. CLAIMS 2 -		3 =		0		x \$200.00		\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>									
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b> <input type="text" value=""/> <b>\$0.00</b>									
<p><input checked="" type="checkbox"/> No additional fee is required for amendment.</p> <p><input type="checkbox"/> Please charge Deposit Account No. <input type="text" value=""/> in the amount of <input type="text" value=""/></p> <p><input type="checkbox"/> A check in the amount of <input type="text" value=""/> to cover the filing fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <input type="text" value="09-0456"/></p> <p><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.</p> <p><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038.</p>									
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 <i>Signature</i>									
<b>Dated: August 3, 2005</b>									
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <input type="text" value=""/> (Date)</p>									
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicants:** Jennifer E. Appleyard**Examiner:** Xiuquin Sun**Serial No.:** 10/708,916**Art Unit:** 2863**Filed:** 3/31/2004**Docket:** BUR920040032US1 (17437)**For:** TEMPERATURE COMPENSATION  
IN MAXIMUM FREQUENCY  
MEASUREMENT AND SPEED SORT**Conf. No.:** 2915**Dated:** August 3, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.111

Sir:

This document is submitted in response to the Non-Final Office Action mailed May 3, 2005. No new matter has been introduced.

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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: August 3, 2005

  
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Steven Fischman